

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Pia Smith	Team: Team # 4	CCRB Case #: 200406806	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 07/04/2004 11:00 PM	Location of Incident: § 87(2)(b)	Precinct: 71	18 Mo. SOL 1/4/2006	EO SOL 1/4/2006	
Date/Time CV Reported Thu, 07/15/2004 9:53 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 07/14/2004 9:53 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Houlihan	01530	919940	071 PCT
2. POM Matthew Cahill	00000	932397	071 PCT
3. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Houlihan	Discourtesy: PO Michael Houlihan spoke rudely to § 87(2)(b)	
B.POM Michael Houlihan	Force: PO Michael Houlihan used physical force against § 87(2)(b)	
C. An officer	Discourtesy: An officer spoke rudely to § 87(2)(b)	
D.POM Matthew Cahill	Abuse: PO Matthew Cahill arrested § 87(2)(b)	
E.POM Matthew Cahill	Abuse: PO Matthew Cahill arrested § 87(2)(b)	
F. An officer	Force: An officer used physical force against § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	

Synopsis

The following synopsis contains information extracted from IAB log 04-20735 filed on July 10, 2004, and telephone conversations with the complainant and victims on July 23, 2004, and September 1, 2004.

On July 4, 2004, complainant/victim § 87(2)(b) was visiting his girlfriend at her home located at § 87(2)(b). § 87(2)(b), § 87(2)(b) and § 87(2)(b) father, § 87(2)(b) her brother, § 87(2)(b) and her mother § 87(2)(b) stood outside of their residence and watched a fireworks display on the street. According to § 87(2)(b) and § 87(2)(b) the people setting off the fireworks threw one near a police officer who was standing on the sidewalk and the officer assumed that § 87(2)(b) was responsible. One of the officers bearing shield number 1530 (later identified as PO Michael Houlihan) approached § 87(2)(b) and told him to “fucking move.” § 87(2)(b) refused, at which time PO Houlihan allegedly “grabbed” § 87(2)(b) and “slammed” him against a parked car. PO Houlihan yelled, “Stop resisting, stop resisting.” § 87(2)(b) placed his hands behind his back, at which time PO Houlihan or his partner (identified as PO Matthew Cahill) “placed/pressed” a metal object behind § 87(2)(b)s ear. § 87(2)(b) described this object as something that the officers carry on their key rings. § 87(2)(g) § 87(2)(b) was arrested and when he asked what he was being arrested for, an officer replied, “Shut up, you’re coming with us.” § 87(2)(b) observed the same officers handcuff § 87(2)(b) and § 87(2)(b). According to § 87(2)(b) her father and brother were arrested because they began to laugh when the other group threw the firecracker at the officers. § 87(2)(b) also claimed that one of the two officers pushed her and her mother. § 87(2)(b) was arrested for § 87(2)(b). § 87(2)(b) was arrested for § 87(2)(b).

Upon contacting § 87(2)(b) he was informed that the investigation could not proceed until the CCRB received consent from his attorney allowing him to provide a statement. § 87(2)(b) contacted his attorney and informed the undersigned that he was advised not to pursue the complaint at this time due to his pending criminal complaint. A withdrawal letter was sent to § 87(2)(b). At this time, attempts were made to contact the § 87(2)(b) family to determine if they were interested in pursuing the complaint. § 87(2)(b) § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] scheduled an appointment for he and his family to appear, although his father had a pending court appearance for § 87(2)(b). § 87(2)(b) and his family failed to appear for their September 16, 2004, appointment. Contact letters were sent to all of the family members in English and Spanish. § 87(2)(b) called and stated that he would contact the CCRB with his attorney’s information. Final contact letters were sent to the family, which prompted § 87(2)(b) to call and indicate that he and his family declined to pursue the complaint because they “didn’t want to keep going back and forth with the matter.” None of the other family members were available to confirm their decision. § 87(2)(b) was contacted on September 24, 2004. § 87(2)(b) indicated that she did not wish to continue the investigation and “was not interested” and “did not want to be bothered.” § 87(2)(b) was also available, at which time he stated, “We are all going to withdraw the complaint and it doesn’t make sense to proceed with the complaint because [it] is too much of a problem.” § 87(2)(b) his wife and son denied having been persuaded or coerced into withdrawing the complaint and were informed that they would be sent withdrawal letters to sign and return. The signed letters have been received and are enclosed in the case file.

According to her family, § 87(2)(b) was reportedly in Pennsylvania visiting § 87(2)(b). § 87(2)(b) was contacted on September 24, 2004, at which time he stated that § 87(2)(b) was not available. A withdrawal form was sent to § 87(2)(b) Brooklyn address as well as § 87(2)(b)s home in Pennsylvania. During this call, § 87(2)(b) stated that he received his withdrawal form and that his attorney was reviewing it.

The conversations with § 87(2)(b) and the § 87(2)(b) family were recorded on tape number 20046806 volume one side B and volume two side A. ASI Long listened to the recordings and verified that that § 87(2)(b) voluntarily withdrew his complaint and that the § 87(2)(b) family declined to pursue the investigation.

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: